

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA, *et al.*,  
*ex rel.* STF, LLC,

Plaintiffs,

V.

TRUE HEALTH DIAGNOSTICS, LLC, *et al.*,

Defendants.



Civil Action No. 4:16-CV-547

**FILED UNDER SEAL**

## THE UNITED STATES' NOTICE OF INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and decline to intervene in part of this action. The United States intervenes as to defendants Christopher Grottenthaler and Jeffrey “Boomer” Cornwell. The United States declines to intervene as to the remaining defendants named by relator. The United States intends to file its complaint by January 31, 2022.

Although the United States declines to intervene in a portion of the action, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the declined portion of the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or a defendant propose that the part of the action in which the United States has not intervened be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action, even as to the non-intervened part of this action, be served upon the United States; the United States also requests that all orders issued by the Court be sent to the United States' counsel. The United States reserves the right to order any deposition transcripts and to intervene for good cause at a later date in the portion of this action in which it declines to intervene today. The United States also reserves the right to seek the dismissal of the relator's action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

Finally, the United States requests that the relator's Complaint, Amended Complaint, Second Amended Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Date: December 20, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

BRIT FEATHERSTON  
United States Attorney

/s/ James Gillingham  
JAMES GILLINGHAM  
Assistant U.S. Attorney  
Eastern District of Texas  
110 N. College Street; Suite 700  
Tyler, Texas 75702  
E-mail: [James.Gillingham@usdoj.gov](mailto:James.Gillingham@usdoj.gov)  
(903) 590-1400  
(903) 590-1436 (fax)

Texas State Bar # 24065295

JAMIE ANN YAVELBERG  
SARA MCLEAN  
CHRISTOPHER TERRANOVA  
Civil Division  
U.S. Department of Justice  
Post Office Box 261  
Ben Franklin Station  
Washington, DC 20044  
(202) 616-4203  
(202) 514-0280 (fax)

**ATTORNEYS FOR THE  
UNITED STATES OF AMERICA**

**CERTIFICATE OF SERVICE**

I hereby certify on this 20th day of December 2021, I caused copies of the United States' Notice of Intervention to be served by electronic mail on:

Justin T. Berger  
Cotchett, Pitre & McCarthy, LLP  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
[jberger@cpmlegal.com](mailto:jberger@cpmlegal.com)

Aaron Ezroj  
Attorney  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[Aaron.Ezroj@insurance.ca.gov](mailto:Aaron.Ezroj@insurance.ca.gov)

Sara Vann  
Assistant Attorney General  
Georgia Medicaid Fraud Control Unit  
200 Piedmont Ave, S.E.  
West Tower, 19<sup>th</sup> Floor  
Atlanta, GA 30334  
[SVann@law.ga.gov](mailto:SVann@law.ga.gov)

Nita Klunder  
Office of the Attorney General  
Medicaid Fraud Division  
One Ashburton Place  
Boston, MA 02108  
[Nita.Klunder@massmail.state.ma.us](mailto:Nita.Klunder@massmail.state.ma.us)

Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, Defendants have not been served with copies of the foregoing Notice of Intervention.

/s/ James Gillingham  
JAMES GILLINGHAM

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
<i>ex rel.</i> STF, LLC,	§	
	§	
Plaintiffs,	§	Civil Action No. 4:16-CV-547
	§	
v.	§	
	§	
TRUE HEALTH DIAGNOSTICS, LLC, <i>et</i>	§	
<i>al.</i> ,	§	
	§	
Defendants.	§	

**ORDER**

The United States having intervened in part and declined to intervene in part of this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the Court rules as follows:

**IT IS ORDERED** that,

1. The relator's Complaint, Amended Complaint, Second Amended Complaint, the United States' Notice of Intervention, and this Order be unsealed;
2. The relator shall serve its Second Amended Complaint within 90 days;
3. The United States shall file its Complaint by January 31, 2022 and serve its Complaint within 90 days after the Complaint is filed;
4. All other papers or Orders on file in this matter shall remain under seal;
5. The seal be lifted on all other matters occurring in this action after the date of this Order;

6. As to the part of the action in which the United States has declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in that part of the action, for good cause, at any time;

7. All orders of this Court shall be sent to the United States; and that

8. Should the relator or a defendant propose that the part of the action in which the United States has declined to intervene be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

**IT IS SO ORDERED.**

**SIGNED this \_\_\_\_\_ day of December, 2021.**

---

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE